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November 14, 2001

ATTORNEY DOCKET NO.: INVIT1140-3

Parent Application No.: 09/285,386

Parent Filing Date: April 2, 1999

Box PATENT APPLICATION

Commissioner for Patents

Washington, D.C. 20231



Presented for filing is a new **Continuation** patent application of:

Applicants: Joseph M. Fernandez, John A. Heyman and James P. Hoeffler

Title: LIBRARIES OF EXPRESSIBLE GENE SEQUENCES

This is a request for filing a **continuation** application under 37 C.F.R. § 1.53(b), of prior U.S. Application Serial No. 09/285,386 filed April 2, 1999, now pending.

The prior application is assigned of record to INVITROGEN CORPORATION, by virtue of an assignment submitted to the Patent and Trademark Office for recording on June 7, 1999, at Reel 010003, Frame 0748.

Enclosed are the following papers, including all those required to receive a filing date under 37 CFR § 1.53(b):

	<u>Pages</u>
Specification	148
Claims	4
Abstract	1
Declaration (signed from original parent)	3
Drawings	1

<p>"EXPRESS MAIL" Mailing Label Number: EV 016 237 035 US Date of Deposit: <u>November 14, 2001</u></p> <p>I hereby certify under 37 C.F.R. § 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to the BOX PATENT APPLICATION, Commissioner for Patents, Washington, D.C. 20231</p> <p>ALDON GRIFFIS (TYPED OR PRINTED NAME OF PERSON MAILING PAPER)</p> <p><i>Aldon Griffis</i> (SIGNATURE OF PERSON MAILING PAPER OR FEE)</p>

SILICON VALLEY SAN DIEGO SAN DIEGO/GOLDEN TRIANGLE SAN FRANCISCO AUSTIN SEATTLE SACRAMENTO LA JOLLA

ATTORNEY DOCKET NO.: INVIT1140-3

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Enclosures:

- Preliminary Amendment (3 pages);
- Sequence Listing (2 pages);
- Sequence Listing Declaration (1 page);
- Sequence Listing Verified Statement (1 page);
- Sequence Listing Disk;
- Copy of Petition of Extension of Time for Sequence Listing in Parent (2 pages); and
- Return Receipt Postcard.

This application is a **continuation** and claims the benefit of priority under 35 USC § 120 of U.S. Application Serial No. 09/285,386 filed April 2, 1999, now pending, which claims priority under 35 USC § 119(e) of U.S. Application Serial Nos. 60/096,981 filed August 18, 1998 and U.S. Application Serial Nos. 60/080,626 filed April 3, 1998. The disclosure of the prior applications is considered part of and is incorporated by reference in the disclosure of this application.

	Number Filed		Number Extra		Rate			Fee	
					Small Entity	Large Entity		Small Entity	Large Entity
Total Claims	1-20	=	0	X	\$09	\$18	=	\$00	\$00
Independent Claims	1-3	=	0	X	\$42	\$84	=	\$00	\$00
Multiple Dependent Claims Presented: ___ Yes <u>X</u> No					\$140	\$280		\$00	\$00
					BASIC FEE			\$370.00	\$740.00
					TOTAL FEE				\$740.00

PLEASE DEFER THE PAYMENT OF THE FILING FEE.

If this application is found to be INCOMPLETE, or if a telephone conference would otherwise be helpful, please call the undersigned at (858) 677-1496.

GRAY CARY WARE & FREIDENRICH LLP

ATTORNEY DOCKET NO.: INVIT1140-3

BOX PATENT APPLICATION

November 14, 2001

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Kindly acknowledge receipt of this application by returning the enclosed postcard.

Please send all correspondence to:

Lisa A. Haile, J.D., Ph.D.

GRAY CARY WARE & FREIDENRICH LLP

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San Diego, CA 92121-2133

Telephone: (858) 677-1456

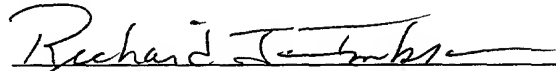
Facsimile: (858) 677-1465

Sincerely,

GRAY CARY WARE & FREIDENRICH LLP

November 14, 2001

Date



Richard J. Imbra

Registration No. 37,643

Telephone: (858) 577-1496

Facsimile: (858) 677-1465

RJI:ag

Enclosures

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Fernandez *et al.* Art Unit: Unassigned
Application No.: Unassigned Examiner: Unassigned
Filed: Herewith
Title: LIBRARIES OF EXPRESSIBLE GENE SEQUENCES

Commissioner for Patents
Washington, D.C. 20231

VERIFIED STATEMENT UNDER 37 C.F.R. § 1.821(f)

Sir:

I, Mikhail Bayley, declare that I personally prepared the paper and the computer-readable copies of the Sequence Listing filed herewith in the above-entitled case and that the content of both is the same.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of The United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date:

11/13/2001

Mikhail Bayley
Mikhail Bayley

GRAY CARY WARE & FREIDENRICH LLP
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Aldon Griffis

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Fernandez *et al.* Art Unit: Unassigned
Application No.: Unassigned Examiner: Unassigned
Filed: Herewith
Title: LIBRARIES OF EXPRESSIBLE GENE SEQUENCES

Commissioner for Patents
Washington, D.C. 20231

STATEMENT UNDER 37 C.F.R. §§ 1.821(f) and (g):

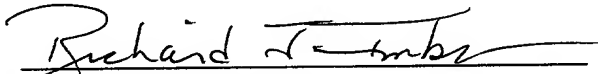
Sir:

I hereby state, as required by 37 C.F.R. § 1.821(f), that the information recorded in computer readable form is identical to the written sequence listing.

I hereby state that the submission, filed in accordance with 37 C.F.R. § 1.821 (g), herein does not include new matter.

Respectfully submitted,

Date: November 14, 2001


Richard J. Imbra, Ph.D.
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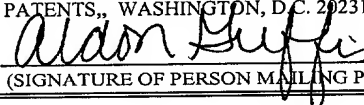
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